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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11

12 MIYOKO'S KITCHEN, INC.,

13 Plaintiff,

14 v.

15 KAREN ROSS, in her official capacity as  
16 Secretary of the California Department of Food  
and Agriculture, and STEPHEN BEAM, in his  
17 official capacity as Branch Chief of the Milk  
and Dairy Food Safety Branch,

18 Defendants.  
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3:20-cv-00893-RS

**STIPULATION AND PROPOSED  
ORDER SETTING BRIEFING  
SCHEDULE ON DEFENDANTS'  
MOTION TO DISMISS**

Date: April 29, 2020  
Judge: Honorable Richard Seeborg

Trial Date: Not Set  
Action Filed: February 6, 2020

**STIPULATION**

WHEREAS, Defendants filed their Motion to Dismiss (ECF No. 17) on Thursday, April 23, 2020, setting hearing on June 25, 2020, and

WHEREAS, the briefing schedule under Northern District of California Local Rule 7-3 would permit only two weeks for Plaintiff to respond and one week for Defendants to reply, reserving an unnecessary six weeks between the close of briefing and hearing, and

WHEREAS, the parties conferred and prefer an alternate briefing schedule that will:

- (1) allow time to confer regarding negotiations that may result in settlement,
- (2) accommodate constraints on counsel's schedules arising from other matters, and
- (3) preserve two weeks between the reply brief and unchanged hearing date, and

WHEREAS, Northern District of California Local Rule 6-1(b) requires the parties to obtain a court order when extending or shortening time in a way that alters a filing deadline, and

THE PARTIES STIPULATE TO AND JOINTLY REQUEST THE COURT ORDER the following schedule for briefing Defendants' Motion to Dismiss:

Plaintiff's Response Due: May 26, 2020  
 Defendants' Reply Due: June 9, 2020  
 Hearing Date (Unchanged): June 25, 2020

Dated: April 30, 2020

XAVIER BECERRA  
 Attorney General of California  
 MYUNG J. PARK  
 Supervising Deputy Attorney General

/s/ Michael S. Dorsi  
 MICHAEL S. DORSI  
 Deputy Attorney General  
 Attorneys for Defendants

Dated: April 30, 2020

GUPTA WESSLER PLLC  
/s/ Deepak Gupta  
 DEEPAK GUPTA  
 Attorneys for Plaintiff

As the attorney e-filing this document, Michael S. Dorsi attests that Deepak Gupta concurred in the filing of this document. /s/ Michael S. Dorsi

**[PROPOSED] ORDER**

Plaintiff Miyoko's Kitchen and Defendants Karen Ross, in her official capacity as Secretary of the California Department of Food and Agriculture, and Stephen Beam, in his official capacity as Branch Chief of the Milk and Dairy Food Safety Branch, stipulated to a briefing schedule for Defendants' Motion to Dismiss (ECF No. 17). The parties attest that they prefer this schedule and the schedule preserves in excess of two weeks between the deadline for the reply brief and the hearing date. Accordingly, the Court finds good cause and, pursuant to Northern District of California Local Rule 6-1(b), adopts the proposed schedule:

Plaintiff's Response Due: May 26, 2020

Defendants' Reply Due: June 9, 2020

Hearing Date<sup>1</sup> (Unchanged): June 25, 2020

**IT IS SO ORDERED**

Dated: April \_\_, 2020

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HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA

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<sup>1</sup> Defendants noticed this motion for June 25, 2020, as required under Northern District of California Local Rule 7-2, while acknowledging that the hearing itself is automatically vacated pursuant to Northern District of California General Order 72. This Order does not alter the effect of General Order 72 vacating the hearing.